

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yi XIONG et al.

Application No.: 10/551,359

Confirmation No.: 6555

Filed: (Intl.) March 29, 2004

Art Unit: 2611

For: OVERCOMPLETE BASIS TRANSFORM-
BASED MOTION RESIDUAL FRAME
CODING METHOD AND APPARATUS FOR
VIDEO COMPRESSION

Examiner: Not Yet Assigned

MS PCT Legal Affairs
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR §1.47(a)

Dear Sir:

This is in response to the U.S. Patent and Trademark Office Communication, a “Decision [on Petition]”, mailed August 4, 2008, denying Applicants’ Renewed Petition under 7 CFR 1.47(a) and MPEP 409.03(d), submitted December 11, 2006. This response is initially due October 04, 2008. Accordingly, this response is timely filed.

Applicants respectfully request consideration of the remarks and documentation set forth herein, as well in the previously filed Petition submitted December 11, 2006, and in this communication respond in full to the reasons for denial of Applicants’ Petition submitted December 11, 2006, and renew their petition under Rule 47. Applicants respectfully request that this application be accepted for examination under Rule 47, and that the enclosed Oath/Declaration be accepted without the signature of one of co-inventors Meng Wang. In accordance with Rule 1.47(a), the original petition was accompanied by payment of the fee required by 37 CFR §1.17(h).

Enclosed please find the following documents:

Statement of Nick Ringma and Cecilia Lu Setting Forth Pertinent Facts Regarding Non-Signing Inventor Under 37 C.F.R. § 1.47(a) ;

Exhibits A through G to the Statement of Nick Ringma and Cecilia Lu; and

Declaration for Patent Application

REMARKS

In the Decision [on Petition] mailed August 4, 2008, the Office acknowledged that items (requirements for a Rule 47(a) petition) (1) and (2) were met by Applicants.

However, the Office alleged that Applicants did not sufficiently address Item (2), which requires that the Petition be accompanied by factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The Office alleged that Applicants' last petition was not sufficiently clear as to whether co-inventor Meng Wang refuses to execute the Rule 63 declaration or whether Meng Wang cannot be reached after diligent effort.

To address the Decision mailed August 4, 2008, Applicants provide herein further and sufficient evidence to satisfy the requirements of Item (2) by providing declarations and documentation that Meng Wang cannot be reached after diligent effort.

Please consider the attached statement and declaration by Nick Ringma, President and Chief Executive Officer of Even Technologies, and Cecilia Lu, an administrative assistant at Even Technologies. The assignee of this application is ETIIP Holdings Inc, which is a subsidiary of Even Technologies Inc. Even Technologies (formerly known as Digital Accelerator Corporation ("DAC")) is the former employer of non-signing co-inventor Meng Wang.

In the attached statement Nick Ringma and Cecilia Lu both declare that they had personal knowledge of the diligent, but unsuccessful, efforts of Even Technologies to locate the non-signing co-inventor, Meng Wang, and in the attached statement and accompanying documentation set forth these diligent efforts in further detail. Applicants respectfully aver that these additional statements by Nick Ringma and Cecilia Lu and the further evidence/documentation of those diligent efforts to locate co-inventor Meng Wang submitted herein are sufficient to satisfy the requirement of Item (2) for a petition under Rule 47(a). Accordingly, the Office should grant Applicant's Petition Under 37 CFR §1.47(a).

In the Decision [on Petition] the Office also indicated that item (4) was not met because the declaration filed May 21, 2008 was an improper composite declaration. A complete declaration for each of the signing inventors is submitted herewith.

CONCLUSION

Applicants respectfully request consideration of the remarks and documentation set forth herein, and aver that in this communication they have responded in full to the reasons for denial of Applicants' Petition submitted December 11, 2006. Applicants respectfully request that this application be accepted for examination under Rule 47, and that the enclosed Oath/Declaration be accepted without the signature of one of co-inventors Meng Wang. Kindly accept this renewed Petition and the previously submitted Response to Notification of Missing Requirements, and the attached Rule 63 Oath/Declaration executed by all co-inventors, except uncooperative co-inventor Meng Wang, and issue a notice of same granting Applicant's Petition Under 37 CFR §1.47(a).

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **577132000200**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: October 3, 2008

Respectfully submitted,

By /Gregory P . Einhorn/

Gregory P. Einhorn

Registration No.: 38,440

MORRISON & FOERSTER LLP

12531 High Bluff Drive Suite 100

San Diego, California 92130-2040

(858) 720-5133 direct line

general office 858 720 5100

fax direct 858 523 5933

fax office 858 720 5125

email geinhorn@mofo.com